

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 3
FOR THE REGULAR MEETING OF
TUESDAY, SEPTEMBER 23, 2003**

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-S501: Rancho Peñasquitos Skate Park.

Matter of approving, conditionally approving, modifying, or denying a Community Plan Amendment, Rezone, Planned Development Permit, Site Development Permit, and Amendment to The Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment to construct a 20,000 square foot skate park on a 44,465 square foot site at 10029 Carmel Mountain Road in the Rancho Peñasquitos Community Planning Area.

(CPA No.11768/RZ No.11766/PDP No. 16899/SDP No. 16898/Amend PFFP and FBA/Amend FY 2004 Capital Improvements Program. Rancho Peñasquitos Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A, C, E, and F; adopt the resolution in subitem B to grant the permit; and introduce the ordinance in subitem D:

Subitem-A: (R-2004-293)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration No. 6995 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Rancho Peñasquitos Skate Park project;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS:(Continued):

ITEM-S501: (Continued)

Subitem-A: (Continued)

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2004-)

Adoption of a Resolution granting or denying Site Development Permit No. 16898 and Planned Development Permit No. 16899, with appropriate findings to support Council action.

Subitem-C: (R-2004-294)

Adoption of a Resolution approving the amendments to the Rancho Peñasquitos Community Plan;

That the amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above-amended plan is adopted.

Subitem-D: (O-2004-30)

Introduction of an Ordinance changing 1.01 acres, located at 10024 Carmel Mountain Road, in the Rancho Peñasquitos Community Plan area, in the City of San Diego, California, from the CP-1-1 zone to the OP-1-1 zone, as defined by San Diego Municipal Code Sections 131.0202 and 131.0506; And repealing Ordinance No. O-10956 (New Series), adopted November 21, 1972, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS:(Continued):

ITEM-S501: (Continued)

Subitem-E: (R-2004-296)

Adoption of a Resolution approving the amendments to the Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment.

Subitem-F: (R-2004-297)

Adoption of a Resolution authorizing the City Auditor and comptroller to amend the fiscal year 2004 Capital Improvements Program Budget by increasing CIP No. 29-516.0, "Rancho Peñasquitos Skate Park," Fund No. 79004, in the amount of \$500,000 for the Rancho Peñasquitos Skate Park;

That the City Auditor and Comptroller is authorized to appropriate and expend \$500,000 from CIP No. 29-516.0, "Rancho Peñasquitos Skate Park," Fund No. 79004, Rancho Peñasquitos Facilities Benefit Assessment.

NOTE: 6 votes required for subitems A, B, C, D, E and F.

OTHER RECOMMENDATIONS:

Planning Commission on September 11, 2003, voted 6 - 0 to approve; was opposition.

Yeas: Brown, Chase, Garcia, Lettieri, Ontai, Schultz
Not Present: Steele

The Rancho Peñasquitos Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

The Park & Recreation Department proposes to construct a 20,000 square foot City-owned/operated skate park on a vacant 44,465 square foot site at 10029 Carmel Mountain Road. This proposal requires a Community Plan Amendment, Rezone, Planned Development Permit, Site Development Permit, and amendment to the Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment. Approval of the Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment would allocate \$500,000 toward the construction of the project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS:(Continued):

ITEM-S501: (Continued)

SUPPORTING INFORMATION: (Continued)

Both the Community Plan Amendment and Rezone were initiated by City Council Resolution nos. R-297010 and R-297011, respectively. These resolutions were adopted on September 3, 2002. The Community Plan Amendment would change Rancho Peñasquitos Community Plan land use designation of the project site from Commercial to Open Space, and the Rezone would change the zone from CP-1-1 (Commercial Parking) OP-1-1 (Open Space Park).

The skate park would be operational between the hours of 7:00 a.m. and 7:00 p.m. To meet parking requirements, the project is required to provide 21 parking spaces through a Shared Parking Agreement. Additional traffic impacts on Carmel Mountain Road and surrounding circulation system would not be significant. The project traffic assessment does not anticipate any project in the short or long-term in the general vicinity of the project site that would cause a significant traffic impact. No significant impacts from air quality or noise is anticipated.

Planning Commission Recommendation: Pending on September 11, 2003.

Community Planning Group Recommendation: On August 6, 2003, the Rancho Peñasquitos Community Planning Board voted 14-0-0 to recommend approval of the project.

Manager's Recommendation: Approve Community Plan Amendment No. 11768, Rezone No. 11766, Site Development Permit No. 16898, certify Mitigated Negative Declaration No. 6995, and adopt Mitigation, Monitoring, and Reporting Program.

Fiscal Impact: All costs associated with the processing are paid from a deposit account maintained by the applicant. Approval of the Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment would appropriate an expenditure of \$500,000 for the skate park. The full cost of the park is estimated to be \$1.3 million. An additional \$75,000 has been previously appropriated from Park & Recreation Development fund for design and engineering. The remaining balance would be acquired through various fund raising efforts.

Traffic Impact Statement: The proposed Rancho Peñasquitos Skate Park is estimated to generate approximately 150 average daily trips. Carmel Mountain Road will continue to operate at an excellent level of service "A." Therefore, the proposed project will not have any significant traffic impacts to the surrounding street network.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS:(Continued):

ITEM-S501: (Continued)

SUPPORTING INFORMATION: (Continued)

Water Quality Statement: Project approval is conditional on construction drawings incorporating comprehensive temporary construction and permanent post construction water quality best management practices (BMP) to reduce the amount of pollutants and sediments discharged from the site. In addition, prior to the Notice to Proceed and/or first pre-construction meeting, the applicant is required to submit a drainage study that would determine if downstream capacity is sufficient to support the proposed development. If not, equivalent alternative available technologies and Best Management Practices (BMPs) may be required by the City Engineer including, but not limited, to increased landscaping or a detention basin.

Aud. Cert. 2400307

Ewell/Christiansen/JB

LEGAL DESCRIPTION:

The project site is located at 10029 Carmel Mountain Road, between Ted Williams Parkway (State Route-56) and Freeport Court, in the Rancho Peñasquitos community.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS:(Continued):

NOTE: It is anticipated that the City Manager will request continuance of this Item to November 4, 2003.

ITEM-S502: Morena Vista Mixed Use.

Matter of approving, conditionally approving, modifying or denying an application for a Tentative Map, Street Vacation, Street Dedication, Easement Vacation, Planned Development Permit, Site Development Permit, and Variance to the Inclusionary Housing Ordinance to allow development of 184 residential condominium apartment units, including 16 affordable units, and approximately 20,416 square feet of retail space in the Linda Vista Community Plan area. The 6.50 acre project site is located south of the intersection of Linda Vista Road and Napa Street, immediately north of Friars Road. The project site is in the following zones: CC-3-4; the North Bay Redevelopment area; Community Plan Implementation Overlay (Area A); and the Campus Parking Impact area. The project proposes to construct two (2) three-story mixed use retail/residential buildings and one (1) four-story apartment building over below grade parking. The Site Development Permit is requested to allow deviations in height and sidewalk width from the requirements of the Community Plan Implementation Overlay Zone (CPIOZ). The CPIOZ allows a maximum height of 45 feet with issuance of a discretionary permit, plus an additional 5 feet for architectural projections. The maximum height of the proposed apartment building is 57'- 10" (including architectural projections), and the maximum height of the proposed attached clock tower is 71'-5". The minimum sidewalk width required by CPIOZ is 7', and the project provides minimum 5' width. The project also includes off-site parking along Friars Road to be used for overflow trolley parking. The street segments proposed to be vacated with this project are all paper streets and have not been constructed nor used as streets (segments of : Cherry St., Gaines St., Riley St., Pine St., Fort Stockton St., Custer St., Greenwood St., unnamed alley, and Adams Street).

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS:(Continued):

ITEM-S502: (Continued)

A Variance from the requirements of the Inclusionary Housing Ordinance is requested with this project to allow the provision of 16 affordable housing units at rates affordable to households earning no more than 80% of the area median income (AMI), where 18.4 affordable housing units at 65% AMI would be required by the Inclusionary Housing Ordinance.

(Linda Vista Community Plan area. District-6, Tentative Map No. 10197, Street Vacation No. 10207, Street Dedication No. 10206, Planned Development Permit No. 10198, Site Development Permit No. 25464, and Variance No. 29754).

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems: A, B, and C:

Subitem-A: (R-2004-270)

Adoption of a Resolution granting Tentative Map No. 10197; that pursuant to California Government Code section 66434(g), portions of Riley Street, Cherry Street, and Gaines Street, located within the project boundaries as shown in Vesting Tentative Map No. 10197, shall be vacated, contingent upon the recordation of the approved final map for the project;

That pursuant to California Government Code section 66434(g), a portion of the water easement granted to the City of San Diego per document recorded October 10, 1963, as file No. 181658, a portion of the sewer, water, drainage, and public utility easement granted to the City of San Diego per document recorded March 4, 1964, as file No. 41221, a portion of the water main easement granted to the City of San Diego per document recorded July 8, 1970, as file No. 119526, a portion of the sewer easement granted to the City of San Diego per document recorded July 13, 1979, as file No. 79-245239, a portion of the sewer easement granted to the City of San Diego per document recorded September 23, 1997, as file No. 1997-046754, located within the project boundaries as shown in Vesting Tentative Map No. 7248, shall be vacated, contingent upon the recordation of the approved final map for the project;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS:(Continued):

ITEM-S502: (Continued)

Subitem-A: (Continued)

That the recommendation of the Planning Commission is sustained, and Tentative Map No. 10197 is granted to City Link Investment Corporation, Applicant, and SB&O, Inc., Engineer, subject to the conditions attached hereto and made a part thereof.

Subitem-B: (R-2004-271)

Adoption of a Resolution certifying that Mitigated Negative Declaration, Project No. 6137, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Morena Vista project.

Subitem-C: (R-2004-286)

Adoption of a Resolution vacating portions of Riley Street, Pine Street, Fort Stockton Drive, Cherry Street, Custer Street, Greenwood Street, Morgan Street (formerly Adams Street), and unnamed alleys in Block 1 of Map 569, as more particularly shown on Drawing Nos. 20120-1-B, 20120-2-B, and 20120-3-B, and described in the legal description marked as Exhibit "A," which are by this reference incorporated herein and made a part hereof are ordered vacated.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS:(Continued):

ITEM-S502: (Continued)

OTHER RECOMMENDATIONS:

On April 28, 2003, the Linda Vista Community Planning Committee voted 14-2 to recommend approval of the project.

Planning Commission Recommendation: The project was originally scheduled for Planning Commission hearing on August 14, 2003, but was continued to the September 11 meeting date in order to add a request for a Variance from the Inclusionary Housing Ordinance. The results of the September 11 Planning Commission hearing will be forwarded to the Clerk's office as soon as possible.

SUPPORTING INFORMATION:

Morena Vista project consists of a Tentative Map, Street Vacation, Street Dedication, Easement Vacation, Planned Development Permit, Site Development Permit, and Variance (to Inclusionary Housing Ordinance) to allow development of 184 residential condominium apartment units, including 16 affordable units, and approximately 20,416 square feet of retail space in the Linda Vista Community Plan area. The 6.50 acre project site is located south of the intersection of Linda Vista Road and Napa Street, immediately north of Friars Road. The project site is in the following zones: CC-3-4; the North Bay Redevelopment area; Community Plan Implementation Overlay (Area A); and the Campus Parking Impact area. The project is a Redevelopment Agency project. The project site includes the Morena/Linda Vista trolley station which would be relocated onsite. The project proposes to construct two (2) three-story mixed use retail/residential buildings and one (1) four-story apartment building over below grade parking. The street segments proposed to be vacated with this project are all paper streets and have not been constructed nor used as streets (segments of: Cherry St., Gaines St., Riley St., Pine St., Fort Stockton St., Custer St., Greenwood St., unnamed alley, and Adams Street). A Variance from the requirements of the Inclusionary Housing Ordinance is requested with this project to allow the provision of 16 affordable housing units at rates affordable to households earning no more than 80 percent of the area median income (AMI), where 18.4 affordable housing units at 65 percent AMI would be required by the Inclusionary Housing Ordinance.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS:(Continued):

ITEM-S502: (Continued)

TRAFFIC IMPACT:

The proposed project consisting of 184 dwelling units with ground floor commercial/retail uses is estimated to generate 1,511 average daily trips (ADT) with 93 am peak-hour trips and 135 pm peak-hour trips. The proposed project is not expected to have a significant adverse impact on the freeway or the neighboring roadway system.

Water Quality Impact Statement: The project is required to comply with the State Water Resources Control Board Order No.92-08-DWQ (NPDES General Permit No. CAS0000002). Private storm drain facilities will collect and convey the runoff to the public storm drain system. The development proposes structural and non-structural Best Management Practices (BMPs). Permanent BMP structures will be required, satisfactory to the City Engineer. Non-structural BMPs will consists of source control, periodic sweeping of the parking areas and adequate vegetation and erosion control. The property owner will be responsible for the long term maintenance of the BMPs.

FISCAL IMPACT:

No cost to the City: all costs are recovered by a deposit account funded by the applicant.

Ewell/Christiansen/VLG

LEGAL DESCRIPTION:

The project site is located south of the Linda Vista Road and Napa Street intersection, (includes the existing Morena/Linda Vista trolley station) and just north of Friars Road. The site is zoned CC-3-4 and lies within the Linda Vista Community Plan Area, North Bay Redevelopment Project Area, Community Plan Implementation Overlay Zone (Area A), and Campus Parking Impact Area.